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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/933,991	08/20/2001	Angshuman Saha	6950-60280 (008856-0001)	7706
47372	7590	09/15/2005	EXAMINER	
BIRCH, STEWART, KOLASCH & BIRCH, LLP 8110 GATEHOUSE ROAD SUITE 100 EAST FALLS CHURCH, VA 22042-1248			JAGANNATHAN, MELANIE	
			ART UNIT	PAPER NUMBER
			2666	

DATE MAILED: 09/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/933,991

Applicant(s)

SAHA ET AL.

Examiner

Melanie Jagannathan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/5/2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-67 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-67 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

- Examiner has considered amendment filed 7/5/2005.
- Claims 1-67 are currently pending.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2, 5, 9, 10-11, 15-18, 21, 25-26, 30-33, 36, 40-42, 46-49, 52, 56-57, 61-62, 65-67 are rejected under 35 U.S.C. 102(e) as being anticipated by Azizoglu et al. US 6,430,201.

Regarding claims 1, 65-67, the claimed apparatus for transmitting a sub-rate data stream over a communication network that uses a selected network protocol, wherein the sub-rate data stream has an associated sub-rate protocol is disclosed by multiple Gigabit Ethernet and Fiber Channel signals are multiplexed and transported on WDM communications link using SONET signaling with a transmitter decoding the 8b/10b encoded GbE/FC signals to reduce their signaling rates to no greater than the payload data rate of an OC-48 signal used on link. See column 2, lines 66-67, column 3, lines 1-14, column 6, lines 19-24. The claimed rate adapter coupled to receive the

uninterpreted sub-rate data stream and operable to adapt a rate characteristic associated with sub-rate protocol to a rate characteristic associated with selected network protocol to generate a rate-adapted data stream from sub-rate data stream is disclosed by codec (Figure 2, elements 22-1, 22-2) which receives 10-bit parallel streams from serializer (elements 20-1, 20-2) and decodes them by removing the run-length code overhead from each stream and outputs 8-bit parallel streams at a bit rate of 1Gb/s, the aggregate rate at the output of both codecs is 2.25 Gb/s. The claimed payload and network framer coupled to receive the rate-adapted data stream and operable to frame the rate-adapted stream into a payload for transmission over the communication network using selected network protocol is disclosed by multiplexing and framing logic which multiplexes streams together using asynchronous statistical multiplexing technique and maps the multiplexed signals into synchronous frames in the OC-48 signal. See column 4, lines 12-67, column 5, lines 1-42.

Regarding claim 2, the claimed de-serializer having logic to receive a serial version of sub-rate data stream and form sub-rate data stream is disclosed by input streams (GbE or FC) are converted into 10-bit parallel streams by serializer/deserializer (elements 20-1, 20-2). See column 4, lines 38-42.

Regarding claim 5, the claimed FIFO memory to provide storage for sub-rate data stream is disclosed by FIFO buffers which store 8b/10b data bytes from codecs. See column 4, lines 63-67, column 5, lines 1-4.

Regarding claim 9, the claimed network framer is disclosed by SONET framer (Figure 2, element 26, Figure 3, element 36).

Regarding claims 10, 15-16, the claimed apparatus comprising payload de-framer coupled to receive a payload transmitted over network using selected network protocol and to de-frame payload into rate-adapted data stream that is representative of uninterpreted sub-rate data stream and claimed rate adapter to receive rate-adapted stream and operable to adapt a rate characteristic associated with selected network protocol to a rate characteristic associated with sub-rate protocol to generate the sub-rate data stream is disclosed by on receive side (Figure 4) a SONET framer (Figure 4, element 36) removes SONET overhead and de-interleaver separates packets belonging to different streams using address byte in packet headers and codecs re-insert run-length code. See column 6, lines 4-18.

Regarding claim 11, the claimed serializer is disclosed by serializer/deserializer (Figure 4, elements 20-1,20-2).

Regarding claims 17-18, 25-26, 30-31, the claimed system comprising transmit rate adapter and payload framer located at a source network element is disclosed by transmitter with codecs (Figure 3, elements 22-1-22-4) and decodes 10-bit parallel streams from serializer (elements 20-1,20-2) by removing the run-length code overhead from each stream and outputs 8-bit parallel streams at a bit rate of 1Gb/s, the aggregate rate at the output of both codecs is 2.25 Gb/s and SONET framer (element 36). The claimed payload de-framer and receive rate adapter at destination network element is disclosed by receive side (Figure 4) a SONET framer (Figure 4, element 36) removes SONET overhead from streams from deserializer (elements 20-1,20-2) and de-

interleaver separates packets belonging to different streams using address byte in packet headers and codecs re-insert run-length code. See column 6, lines 4-18.

Regarding claim 21, the claimed FIFO memory to provide storage for sub-rate data stream is disclosed by FIFO buffers which store 8b/10b data bytes from codecs. See column 4, lines 63-67, column 5, lines 1-4.

Regarding claims 32, 40, the claimed method for transmitting sub-rate data stream comprising steps of adapting a rate characteristic associated with an uninterpreted sub-rate protocol to a rate characteristic associated with selected network protocol to generate a rate-adapted data stream from sub-rate data stream is disclosed by codec (Figure 2, elements 22-1, 22-2) which receives 10-bit parallel streams from serializer (elements 20-1, 20-2) and decodes them by removing the run-length code overhead from each stream and outputs 8-bit parallel streams at a bit rate of 1Gb/s, the aggregate rate at the output of both codecs is 2.25 Gb/s. The claimed framing the rate adapted stream into payload for transmission is disclosed by multiplexing and framing logic which multiplexes streams together using asynchronous statistical multiplexing technique and maps the multiplexed signals into synchronous frames in the OC-48 signal. See column 4, lines 12-67, column 5, lines 1-42.

Regarding claim 33, the claimed de-serializing a serial version of sub-rate data stream and form sub-rate data stream is disclosed by input streams (GbE or FC) are converted into 10-bit parallel streams by serializer/deserializer (elements 20-1, 20-2). See column 4, lines 38-42.

Regarding claim 36, the claimed FIFO memory to provide storage for sub-rate data stream is disclosed by FIFO buffers which store 8b/10b data bytes from codecs. See column 4, lines 63-67, column 5, lines 1-4.

Regarding claims 41, 46-47, the claimed method for receiving a sub-rate stream comprising de-framing payload into rate-adapted data stream that is representative of uninterpreted sub-rate data stream and adapting a rate characteristic associated with selected network protocol to a rate characteristic associated with sub-rate protocol to generate the sub-rate data stream is disclosed by on receive side (Figure 4) a SONET framer (Figure 4, element 36) removes SONET overhead and de-interleaver separates packets belonging to different streams using address byte in packet headers and codecs re-insert run-length code. See column 6, lines 4-18.

Regarding claim 42, the claimed serializing is disclosed by serializer/deserializer (Figure 4, elements 20-1,20-2).

Regarding claim 48, 56, 61-62, the claimed method for transporting sub-rate data stream comprising steps of adapting a rate characteristic associated with sub-rate protocol to a rate characteristic associated with selected network protocol to generate a rate-adapted data stream from uninterpreted sub-rate data stream is disclosed by codec (Figure 2, elements 22-1, 22-2) which receives 10-bit parallel streams from serializer (elements 20-1,20-2) and decodes them by removing the run-length code overhead from each stream and outputs 8-bit parallel streams at a bit rate of 1Gb/s, the aggregate rate at the output of both codecs is 2.25 Gb/s. The claimed framing the rate adapted stream into payload for transmission is disclosed by multiplexing and framing logic

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which multiplexes streams together using asynchronous statistical multiplexing technique and maps the multiplexed signals into synchronous frames in the OC-48 signal. See column 4, lines 12-67, column 5, lines 1-42.

The claimed de-framing payload into rate-adapted data stream that is representative of sub-rate data stream and adapting a rate characteristic associated with selected network protocol to a rate characteristic associated with sub-rate protocol to generate the sub-rate data stream is disclosed by on receive side (Figure 4) a SONET framer (Figure 4, element 36) removes SONET overhead and de-interleaver separates packets belonging to different streams using address byte in packet headers and codecs re-insert run-length code. See column 6, lines 4-18.

Regarding claim 49, the claimed de-serializing a serial version of sub-rate data stream and form sub-rate data stream is disclosed by input streams (GbE or FC) are converted into 10-bit parallel streams by serializer/deserializer (elements 20-1, 20-2). See column 4, lines 38-42.

Regarding claim 52, the claimed FIFO memory to provide storage for sub-rate data stream is disclosed by FIFO buffers which store 8b/10b data bytes from codecs. See column 4, lines 63-67, column 5, lines 1-4.

Regarding claim 57, the claimed serializing is disclosed by serializer/deserializer (Figure 4, elements 20-1,20-2).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 3, 14, 19, 29, 34, 45, 50, 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Azizoglu et al in view of Michel et al. US 6765933.

Regarding claims 3, 14, 19, 29, 34, 45, 50, 60, Azizoglu et al. discloses serializer/deserializer and step of serializing/deserializing sub-rate data stream. Azizoglu et al. fails to disclose serializer/deserializer including clock recovery circuit that recovers a sub-rate clock associated with sub-rate data stream. Michel et al. discloses SMART chip as an SDH/SONET framer technology for cell streams including clock recovery, clock synthesis functions and serializer/deserializer functions. See column 3, lines 41-51. At the time the invention was made it would have been obvious to modify Azizoglu et al. with combined clock recovery and serializer/deserializer functions of Michel et al. One of ordinary skill in the art would have been motivated to do this for re-timing capability on the receive side. See column 14-51.

5. Claims 4, 12, 20, 27, 35, 43, 51, 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Azizoglu et al.

Azizoglu et al. discloses converting GbE inputs into 10-bit parallel streams by a serializer/deserializer and the 10 bit streams decoded by codecs to produce an 8 bit parallel stream where a ninth bit is added for exchanging control information. See column 4, lines 38-55. Azizoglu et al. does not disclose de-serializer including compression logic operable to compress ten-bit wide data to form output streams nine-bit wide as disclosed on page 15 of instant application. At the time the invention was made it would have been obvious to modify Azizoglu et al. to combine compression functions into functions of serializer/deserializer. One of ordinary skill in the art would be motivated to do this to include indication of start, end of packet or idle channel status in the ninth bit. See column 4, lines 48-53.

6. Claims 6-8, 13, 22-24, 28, 37-39, 44, 53-55, 59, 63-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Azizoglu et al. in view of Bleickardt et al. US 5,461,622.

Azizoglu et al. disclose all of the method and apparatus limitations of the claims except for logic to determine a stuffing opportunity that indicates an amount of stuffing data to be framed, rate adapter generating a stuffing opportunity indicator such that payload framer receives stuffing opportunity and frames stuffing data into payload based on indicator.

Bleickardt et al. discloses data transmission over SONET with use of buffer and stuff control circuit (Figure 2, element 211) which inserts stuffing bytes to increase rate

signal to match certain rate and inserts a Stuffing Indicator byte for use at the receiving end to control proper destuffing. Stuffing bytes occupy positions in payload in positions known to transmitter and receiver.

At the time the invention was made it would have obvious to modify Azizoglu et al. with stuff control circuit of Bleickardt et al. One of ordinary skill in the art would be motivated to do so for proper rate adjustment. See column 4, lines 37-44.

Response to Arguments

7. Applicant's arguments filed 7/5/2005 have been fully considered but they are not persuasive. Examiner appreciates detailed description of prior art.

Applicant argues Azizoglu et al. does not teach amended limitation in claim 1 of a rate adapter receiving an uninterpreted sub-rate data stream. Corresponding amendments have been made to independent claims 10, 17, 32, 41, 48, 63-65.

Applicant argues systems and methods of Azizoglu et al. differ from systems and methods of present invention in that "inefficient and undesirable" 8b/10b codecs are disclosed in Azizoglu which essentially interpret each stream.

Examiner respectfully disagrees with Applicant and contends the amended limitations to independent claims recite receiving an uninterpreted sub-rate data stream is taught by Azizoglu. Examiner's rejection above states the claimed rate adapter is taught by codec (elements 22-1, 22-2) which receives 10 bit parallel streams from serializer which received the streams from GbE or FC inputs. Thus, Examiner believes that although codecs that interpret streams do exist in the system of Azizoglu et al. as

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noted by Applicant, the amended limitations are taught by the prior art since the codec receives an uninterpreted stream before it interprets it. Therefore, rejection is maintained.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melanie Jagannathan whose telephone number is 571-272-3163. The examiner can normally be reached on Monday-Friday from 8:00 a.m.-4:30 p.m..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJ 
9/12/05


FRANK DUONG
PRIMARY EXAMINER